



## Decision

**Matter of:** C. Squared Corporation

**File:** B-260291

**Date:** June 6, 1995

Peter W. Boutell for the protester.  
Ronald Zibilich for Advanced Scientific Inc., an interested party.  
Rick Beaman, Esq., and Christine L. Lennard, Esq.,  
Department of the Air Force, for the agency.  
Paula A. Williams, Esq., and John Van Schaik, Esq., Office  
of the General Counsel, GAO, participated in the preparation  
of the decision.

### DIGEST

1. Quotations offering equipment not meeting requirements of solicitations were properly treated as unacceptable.
2. Protest that features required by solicitations do not reflect the agency's actual minimum needs is untimely where not raised prior to receipt of quotations.

### DECISION

C. Squared Corporation protests the rejection of its quotations under request for quotations (RFQ) Nos. F2260095Q0052 (RFQ 0052), F2260095T2488 (RFQ 2488), and F2260095T1078 (RFQ 1078), issued by the Department of the Air Force for optical microscopes and related accessories and the agency's subsequent issuance of orders to Advanced Scientific Inc. (ASI).

We deny the protest in part and dismiss it in part.

Each RFQ sought quotations on a quantity of brand name optical microscopes and related accessories. RFQ 0052 contained 13 line items and RFQs 2488 and 1078 each contained a single line item. Each of the 15 line items on the three RFQs described the equipment being purchased by brand name model number. Additionally, RFQs 0052 and 2488 indicated that quotations for "equal" equipment would be considered and listed the features which any "equal" equipment offered would be required to possess. RFQ 1078 did not mention "equal" sources.

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In response to each RFQ, C. Squared submitted two alternate quotations for "equal" equipment: (1) Olympus BHTU microscopes and accessories, and (2) Olympus B-MAX microscopes and accessories. ASI offered the listed brand name and model number for each line item under each RFQ.

After completing a technical evaluation of the quotations submitted under RFQs 0052 and 2488, the contracting officer concluded that C. Squared's offered equipment did not meet certain requirements of those RFQs. As a result, the contracting officer rejected the protester's quotations under those two RFQs and made awards to ASI. Concerning the third RFQ, No. 1078, the agency acknowledges that it became aware only after the protest was filed that C. Squared had submitted a quotation for that solicitation along with its quotations for RFQ 0052 and RFQ 2488. Thus, C. Squared's quotation for the third RFQ was not evaluated until after the protest was filed; that technical evaluation also led to a finding that the protester's offered equipment did not possess the features required by RFQ 1078.

C. Squared's protest is largely based on its belief that the equipment which it offered incorporates many desired features into basic standard packages at lower prices than those quoted by ASI. In addition, the protester asserts that the RFQs are missing information, with the result that several of the microscopes will be inoperable.

We have reviewed the record and find nothing improper with the evaluation and subsequent rejection of C. Squared's alternate quotation under each of the RFQs.

First, the agency found that both of C. Squared's alternate quotations on both RFQ 0052 and 2488 took exception to numerous solicitation requirements. For example, although both RFQs specified dual diopter adjustments on all eyepieces, both of C. Squared's quoted models only provide single diopter adjustment. The specifications under RFQ 0052 also called for armrests, while C. Squared's quotations under that RFQ did not include armrests. Based on the foregoing, we find that the agency correctly determined that the information submitted with C. Squared's quotations on RFQs 0052 and 2488 did not show compliance with listed requirements and that its quotations were therefore unacceptable. See M/RAD Corp., B-248146, July 29, 1992, 92-2 CPD ¶ 61.

We also conclude that the agency properly viewed C. Squared's quotations under RFQ 1078 as unacceptable. That RFQ, unlike the other two solicitations, did not state that quotations for equipment considered "equal" to the listed brand name equipment would be considered acceptable. Nonetheless, agency officials evaluated C. Squared's

quotations to determine if the quoted items were "equal" to the brand name items listed in the RFQ. The agency found that, unlike the listed brand name items, the eyepieces of the microscopes quoted by C. Squared did not have dual diopter adjustments. Since the agency considered that to be an essential element of the equipment, it determined that C. Squared's noncompliant quotations under RFQ 1078 were unacceptable.

The protester primarily asserts that its quoted equipment includes features which make it superior to the brand name equipment and that its quoted equipment will satisfy the agency's needs. In this regard, the protester provides detailed reasons why, for example, handrests provide ergonomic design advantages which obviate the need for armrests and why single diopter adjustments provide better working conditions.

Protesters are required to file protests against solicitation improprieties apparent on the face of the solicitation no later than the time set for receipt of bids or proposals. 4 C.F.R. § 21.2(a)(1) (1995). This requirement is applicable to an RFQ issued under small purchase procedures. Sheila J. Baldwin, B-223717, Aug. 7, 1986, 86-2 CPD ¶ 168. The protester cannot now challenge the need for certain requirements since this issue was not raised until after award and thus constitutes an untimely protest against the terms of the RFQs; accordingly, we will not consider it. Barnard & Assocs., B-253367, Sept. 13, 1993, 93-2 CPD ¶ 157. Likewise, to the extent C. Squared alleges that the RFQs did not include sufficient information, this aspect of its protest is also untimely. 4 C.F.R. § 21.2(a)(1).

The protest is denied in part and dismissed in part.

\s\ Ronald Berger  
for Robert P. Murphy  
General Counsel